



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/887,492

06/22/2001

Luis M. Ortiz

ORTIZ-1001

7719

7590 03/05/2008  
KERMIT D. LOPEZ/LUIS M. ORTIZ  
ORTIZ & LOPEZ, PLLC, PATENT ATTORNEYS  
P.O. BOX 4484  
ALBUQUERQUE, NM 87196-4484

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

03/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/887,492

Applicant(s)

ORTIZ, LUIS M.

Examiner

MD S. ELAHEE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-11, 14-23, 30, 31, 88-94, 97-100 and 105-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, 14-23, 30, 31, 88-94, 97-100 and 105-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 12/10/2007. Claims 1-3, 7-11, 14-23, 30, 31, 88-94, 97-100 and 105-117 are pending. Claims 4-6, 12, 13, 24-29, 79-87, 95, 96 and 101-104 have been previously cancelled. Claims 32-78 have been previously withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed in 12/10/2007 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 2614

3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-3, 7-9, 15-20, 22, 23, 30, 31, 89-93, 98-100, 105-113 and 115-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (U.S. Patent No. 5,793,630) in view of Hanada (U.S. Patent No. 6,000,864).

Regarding claims 1, 99, 100 and 106-108, with respect to Figures 1, 2, Theimer teaches a method of brokering data between handheld wireless devices and data rendering devices with locations and capabilities not previously known to the handheld wireless devices or their users, comprising:

identifying data from a portable device (PDA) [i.e., wireless device (WD)] for rendering at a publicly accessible electronic device [i.e., data rendering device (DRD)] located at a fixed, publicly accessible location not yet known to the PDA or its user (abstract; col.4, lines 42-47, 52-66, col.5, lines 14-19);

Theimer further teaches providing a request from the WD through a telecommunications network supporting voice and data communications by the WD to a remote network resource for the remote network resource to locate at least one DRD, the network resource further adapted to identify the location, rendering capabilities of at least one DRD in accordance with at least one of the WD's geographic location and a WD user profile associated with the WD (col.1, lines 57-65, col.4, lines 42-62) (Note; The Global Positioning System (GPS) is a satellite-based navigation system made up of a network of 24 satellites placed into orbit by the U.S. Department of Defense. GPS was originally intended for military applications, but in the 1980s, the

Art Unit: 2614

government made the system available for civilian use. GPS works in any weather conditions, anywhere in the world, 24 hours a day. Users can get better accuracy with Differential GPS (DGPS), which corrects GPS signals to within an average of three to five meters. This system consists of a **network of towers** that receive GPS signals and transmit a corrected signal by beacon transmitters. Since, Theimer's system uses differential GPS (see col.4, lines 25-27), the system must use **towers** [i.e., public wireless network communications hardware and **network of towers** [i.e., an associated public wireless communications network] for supporting wireless hand held devices.);

Theimer further teaches the network resource identifying the location, rendering capabilities of at least one DRD based on at least one of the WD's location based on at least one of the WD's location and the WD user profile (col.1, lines 57-65, col.4, lines 42-62);

Theimer further teaches the network resource providing the WD with location information for at least one publicly accessible DRD (col.1, lines 57-65, col.4, lines 42-62);

Theimer further teaches selecting a DRD with the WD (col.1, lines 57-65, col.4, lines 42-62, col.5, lines 14-2);

Theimer further teaches at least one of the WD, the wireless telecommunications network and the network resources providing navigable directions on the WD to physically locate a DRD selected with the WD based on the geographic location of the WD (col.1, lines 57-65, col.4, lines 25-27, 42-62);

Theimer further teaches transferring the document at the request of the WD to the DRD from at least one of an email box or a memory associated with the PDA, the data transferred to

Art Unit: 2614

the DRD for rendering (abstract; fig.1, 2; col.1, lines 36-38, 57-65, col.4, lines 42-62, col.5, lines 14-29); and

However, Theimer does not specifically teach “data rendering device (DRD) further comprising at least one of a printer, a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine”. Hanada teaches data rendering device (DRD) further comprising at least one of a printer, a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine (fig.1, item 2; col.2, lines 48-52, 66-67, col.3, lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer to incorporate data rendering device (DRD) further comprising at least one of a printer, a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine as taught by Hanada. The motivation for the modification is to have doing so in order to get benefit from the service of a printer.

Theimer does not specifically teach identifying operational status of at least one DRD. Hanada teaches identifying operational status of at least one DRD (col.2, lines 66-67, col.3, lines 1-5, 13-20, 34-43, 56-63). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer to incorporate the feature of identifying operational status of at least one DRD as taught by Hanada. The motivation for the modification is to have doing so in order to get status information of a printer such that a user can decide whether he should print his document in that printer.

Art Unit: 2614

Regarding claim 2, Theimer teaches that the DRD renders document only after a render command is provided to the DRD through the PDA (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claims 3 and 93, Theimer teaches that the command inherently includes a passcode (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 7, Theimer teaches that the data is rendered by the DRD after the render command is provided by a WD user on a user interface associated with the DRD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 8, Theimer teaches that the data is retrieved from a storage [i.e., mailbox] assigned to the WD user only after the WD user provides a passcode to the DRD (col.1, lines 61-65).

Regarding claim 9, Theimer teaches that the passcode is provided to the DRD by the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Claim 15 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Theimer teaches providing a DRD locator request with the WD to public communications network resources through a wireless cellular communications network supporting wireless voice and data communications by said WD, said DRD locator request being

Art Unit: 2614

provided for said public communication network resources to find at least one publicly accessible DRD located near the WD, the locator request further including WD geographic location information, wherein the DRD location information is based on the WD geographic location information (col.1, lines 57-65, col.4, lines 42-62).

Regarding claim 16, Theimer teaches that the data is transferred to the DRD from the public wireless communications network resources following the request at the DRD (col.1, lines 57-65, col.4, lines 42-62).

Regarding claim 17, Theimer teaches the public wireless communications network resources facilitating transfer of the data to the DRD from a memory associated with the WD (abstract; col.4, lines 42-47, 52-66, col.5, lines 14-19).

Claims 18-20 are rejected for the same reasons as discussed above with respect to claims 7-9 simultaneously.

Claims 22 and 23 are rejected for the same reasons as discussed above with respect to claims 2 and 3 simultaneously.

Claim 30 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Theimer teaches using a PDA [i.e., wireless device (WD)] to request support from through a wireless cellular telecommunications network to a remote server adapted to maintain



Art Unit: 2614

location and capability information for data rendering devices, to locate at least one publicly accessible data rendering device (DRD) and provide publicly accessible DRD capability information stored in the remote server and wherein the at least one DRD is not previously assigned to the WD and the at least one DRD is physically accessible to all WD users, wherein locating of at least one DRD is facilitated by said remote server in cooperation with the wireless cellular telecommunications network (abstract; col.4, lines 42-47, 52-66, col.5, lines 14-19).

However, Theimer does not specifically teach verifying operational readiness of the DRD. Hanada teaches verifying operational readiness of the DRD (col.2, lines 66-67, col.3, lines 1-5, 13-20, 34-43, 56-63). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer to incorporate the feature of verifying operational readiness of the DRD as taught by Hanada. The motivation for the modification is to have doing so in order to get availability information of a printer such that a user can decide whether he should print his document in that printer.

Regarding claims 31, 105, Theimer teaches that the PDA [i.e., WD] renders data to the DRD after a render command is provided by the user associated with the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 89, Theimer teaches receiving at a mediator [i.e., network server] a request associated with the WD for delivery of the data for rendering at the DRD (col.4, lines 42-47, 52-66, col.5, lines 14-19);

Art Unit: 2614

determining if delivery of data can be inherently approved by at least one of the network and/or DRD (col.4, lines 42-47, 52-66, col.5, lines 14-19); and

if delivery is approved, the server processes the request including facilitating delivery of the data to the DRD (col.4, lines 42-47, 52-66, col.5, lines 14-19).

Regarding claim 90, Theimer teaches receiving the data from the server at the DRD (col.4, lines 42-47, col.5, lines 14-29).

Regarding claim 91, Theimer teaches that the data is received at the DRD via a network supporting the DRD (col.4, lines 42-47, col.5, lines 14-29).

Regarding claim 92, Theimer teaches rendering the data at the DRD following a rendering command received at the DRD by the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 98, Theimer teaches that the command enable WD user manipulation of data during rendering of the data at the DRD using the WD (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Claim 109 is rejected for the same reasons as discussed above with respect to claims 2 and 3.

Art Unit: 2614

Regarding claim 110, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., infrared authorization signal] from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 111, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., wireless authorization signal] provided locally from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Claims 112 and 117 are rejected for the same reasons as discussed above with respect to claim 107. Furthermore, Theimer teaches that the user of a hand held wireless device physically locating the publicly available DRD (fig.2).

Regarding claims 113 and 116, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e., wireless authorization signal] provided locally from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

Regarding claim 115, Theimer teaches that the at least one publicly accessible DRD rendering the data it received from the network server after further receiving a command [i.e.,

Art Unit: 2614

infrared authorization signal] from the wireless hand held device (col.1, lines 57-59, col.2, lines 61-63, col.4, lines 55-58).

6. Claims 10, 21 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. in view of further in view of Challener et al. (U.S. Patent No. 6,591,297).

Regarding claims 10 and 21, Theimer in view of Hanada fails to teach “said passcode is provided at a user interface associated with said DRD”. Challener teaches that the passcode is provided at an entry pad [i.e., user interface] associated with the DRD [i.e., DRD] (fig.1; col.3, lines 16-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Hanada to allow the passcode being provided at a user interface associated with the DRD as taught by Challener. The motivation for the modification is to have doing so in order to store the location information in the memory.

Claim 114 is rejected for the same reasons as discussed above with respect to claims 10 and 113.

7. Claims 11, 88, 94 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. in view of Hanada further in view of Magro et al. (U.S. Patent No. 6,457,078).

Regarding claims 11, 88, 94 and 97, Theimer in view of Hanada fails to teach “said rendering command includes decryption coding”. Magro teaches that the rendering command

Art Unit: 2614

includes decryption coding (abstract; col.3, lines 35-49, col.4, lines 16-24, 31-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Hanada to allow the rendering command including decryption coding as taught by Magro. The motivation for the modification is to have doing so in order to decode the control command associated with token.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. in view of Hanada further in view of Ronen (U.S. Pub. No. 2002/0156708).

Regarding claim 14, Theimer in view of Hanada fails to teach “said network resource provides the WD with a passcode for use on an interface integrated with said DRD to cause said DRD to render the data”. Ronen teaches that the network resource provides the WD with a password [i.e., passcode] for use on an interface integrated with said DRD to cause said DRD to render the data (page 3, paragraph 0029). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Theimer in view of Hanada to allow network resource provides WD with a passcode for use on an interface integrated with the DRD to cause the DRD to render the data as taught by Ronen. The motivation for the modification is to have doing so in order to provide security for retrieval of data.

Art Unit: 2614

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*MD. Shafiul Alam Elahee*

MD SHAFIUL ALAM ELAHEE

Examiner

Art Unit 2614

February 27, 2008

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600